

Appendix C



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Date: July 18, 2024

To: Town of Kingsville, Planning Department

RE: Planning Justification Report for Proposed Application for
Zoning By-law Amendment
2014 Road 3 E, Pt. Lot 13, Concession 3, Part 2, RP 12R 25488

Roll # 3711 340 000 00102

Author: Robert Brown, H. Ba, MCIP, RPP

Purpose

To provide an overview of the related land use planning considerations in support of a zoning by-law amendment and eventual site plan approval to permit an agriculture-related use (micro-brewery) and uses accessory to the permitted use on the subject property.

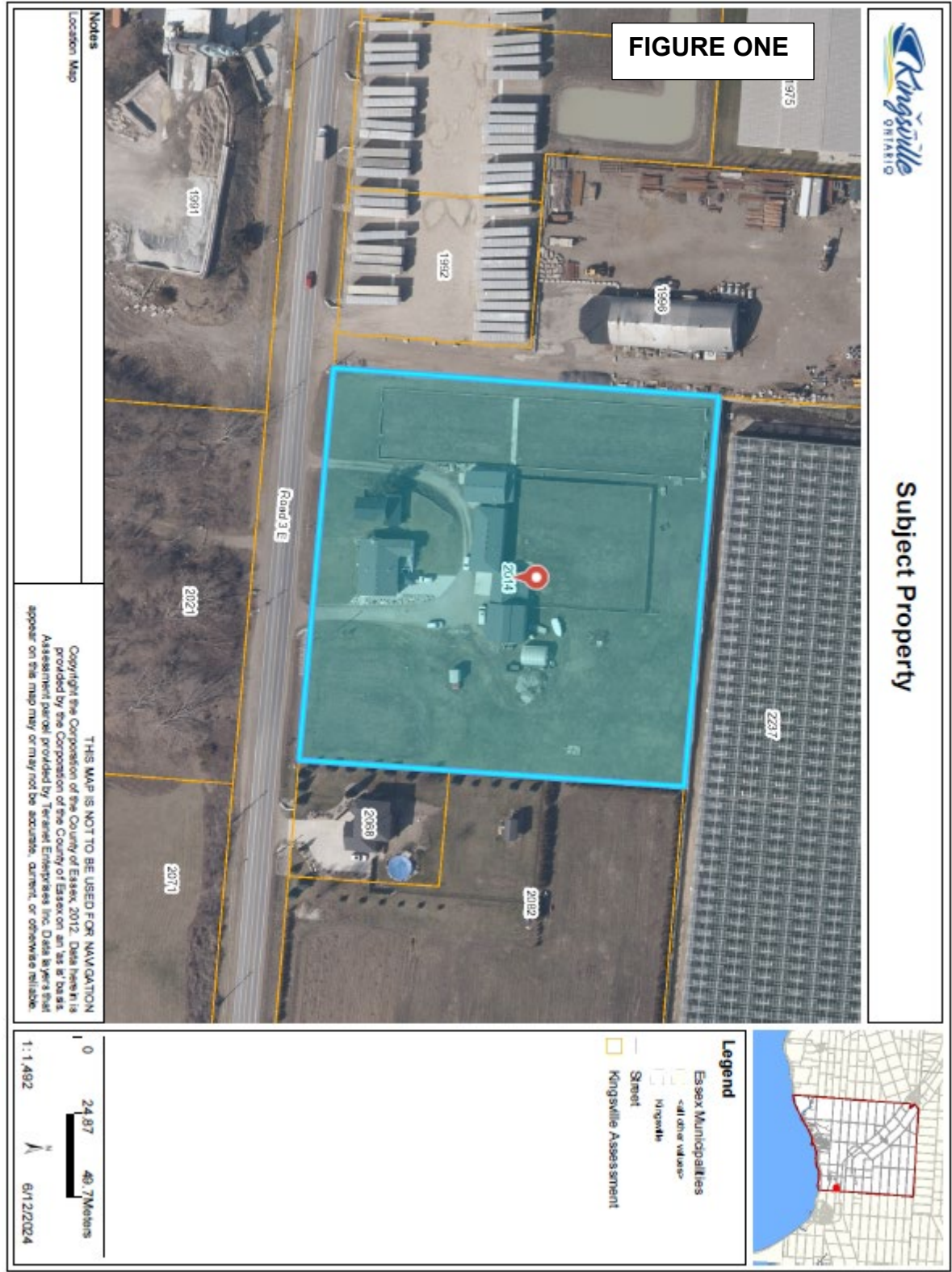
Background

The subject property is a 1.49 ha (3.68 ac.) parcel located on the north side of Road 3 E, just west of Albuna Townline (County Rd 31). (See Figure One) The property contains two dwellings and four connected outbuildings. The buildings are all that remains of a former greenhouse operation that was located on the site until about the mid-2000s. My client has been using the former support buildings to operate a micro brewing business (Top Dog Brewing Company), as a home industry for approximately the last year.

As with any business the hope is to grow, expand and potentially provide opportunities to diversify and showcase the business. The lot at 2014 Road 3 E offers this opportunity but does also present some challenges based on its location and current zoning limitations.

What my client would like to explore is the continuation of the micro-brewery on the site as an agriculture-related use with the inclusion of an outdoor area for customers

including picnic tables, a 111 sq. m (1,200 sq.) pavilion, washrooms and an off-leash area for dogs based on the name's sake of the brewery.



Planning Rationale

1) Provincial Policy Statement (2020)

The subject lands are considered prime agricultural and as such subject to the policies of Section 2.3, Agriculture under PPS. Section 2.3.3 specifically relates to the subject application and states the following:

“In prime agricultural areas, permitted uses and activities are agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”

The subject parcel is a large lot which did support a former greenhouse operation covering about 0.6 ha (1.5 ac.). The southern area of Kingsville supported a large number of small greenhouse operations for many years growing a wide variety of horticulture crops. As with most agriculture consolidation, increased use of technology and increased scale lead to a decrease in the viability of these operations. A return to use as cash crop lands would have also proved unfruitful.

The second point related to “not hinder, surrounding agricultural operations” should be considered in the context of the surrounding area which is as follows:

- to the north of the property is a large-scale greenhouse operation located on lands that were in fact originally part of the subject parcel;
- to the south is greenspace and a former landfill site and current transfer facility for the Town, a concrete batching plant and a new waste transfer facility (under construction);
- to the east is a rural residential lot and small farm parcel with a dwelling, and;
- to the west is an industrial park

Based on this, there should be little to no hinderance of the ongoing operation of the very limited agricultural operations.

Business Overview

- i) established in 2018 as a small-scale home-based business
- ii) one of several newer craft brewers in the Kingsville area over the last several years
- iii) marketed locally and available at several different venues such as restaurants, bars and golf courses

- iv) supports a number of local producers utilizing farm produced ingredients in the various brews
- v) participates in and supports local events & fundraisers

The business on the property can be considered agriculture-related based on the fact that it supports a number of local producers through the sourcing of a number of ingredients used in the brewing process such as hops from Redman Hop Farm, assorted fruits from Lee & Marias in Kingsville and peach puree from Kranicz Orchards in Harrow. This is particularly important as having a variety of marketing sources or customers for agricultural operations can help to provide alternatives not unlike diversification of any business in general.

2) Official Plan – County of Essex

Section 3.3.3.1 a) *permits agricultural uses, secondary uses and agriculture-related uses.*

Section 3.3.3.3 Agriculture-Related Uses Agriculture-related uses are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation.

Examples include but are not limited to the following:

- a) Seed, pesticide, fertilizer storage (including distribution).*
- b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.*
- c) Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal agricultural use on the property.*
- d) Wineries, breweries and associated uses, which are secondary and directly related to the principal agricultural use on the property.*

Comment: The subject parcel was a former small scale agricultural operation. The use of the property now remains agriculture-related as many of the inputs used in the brewing process are sourced locally in support of the agriculture area. As these inputs are also perishable it is important for the operation to be in close proximity to maintain freshness and provide a superior final product.

3) Town of Kingsville Official Plan

Policy 3.1.2 c) outlines that, *“agriculture-related uses, including: farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, may be permitted through an amendment to the Zoning By-law.”*

Comment: The justification in this case would be the same as that outlined under the County of Essex Official Plan policy.

4) Comprehensive Zoning By-law

The subject property is located within the Agricultural (A1) Zone. The zone permits a wide range of uses. The majority are agriculture or agriculture related.

The subject parcel is not a large farming operation that could potentially grow many of the inputs required in the brewing process however it does utilize agricultural products from the local area and shares characteristics with what would be considered an on-farm diversified use and is not dissimilar to many wineries that are located throughout Essex County that are often on smaller farm parcels.

The specific amendment that is being requested for the property would be a site-specific A1 zone to address the following:

- i) Permit a micro-brewery as an agriculture-related use;
- ii) Permit an outdoor pavilion / picnic area accessory to the micro-brewery;
- iii) Permit an off-leash dog park accessory to the permitted use;
- iv) Permit the sale of products produced on-site including accessory merchandise associated with the business.

5) Site Plan Approval

Site plan control coupled with a supporting site plan agreement is one of the more effective methods to provide detail on an intended development, control and review scale and ensure that any potential impacts a use may create are mitigated in the most effective approach. Specific to the proposed use the Town is looking for the location and detail of the existing development on the site as well as the proposed pavilion/picnic area dog park and supporting facilities such as washrooms, parking, access and drainage.

Figure Two shows the lot in question and highlights the proposed location of the various elements of the proposed development on the existing lot. Formal application for site plan control will be the next step in the process if the requested zoning is approved.







Looking northeast at the dwelling on the neighbouring rural residential property



Looking north at the neighbouring greenhouse operation to the north



Conclusions

The policy in PPS and Official Plans clearly permit agriculture-related uses in prime agricultural areas. By requiring proposed uses to undertake an approval process allows the Town the opportunity to review the scale and type of use and ensure that there are adequate mitigation measures in place that protect all existing uses, particularly ongoing agricultural operations.

The proposal for the subject site will result in the addition of an outdoor pavilion / picnic area, the use of an area for the dog park and the establishment of a parking area. This does not result in a significant outward change to the lot. With the lack of surrounding agricultural operations any potential impact is minimized if not eliminated altogether. The business itself also helps to support other existing local agricultural operations and businesses through the use of a variety of agricultural products in the brewing process.

With this in mind, I believe that continuation of the existing business, via the required zoning amendment and use of site plan control, can be permitted and does represent good land use planning.

Prepared by:

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal flourish extending to the right.

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